

State of Hawaii  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Office of the Chairperson  
Honolulu, Hawaii 96813

March 13, 2015

State of Hawaii  
Board of Land and Natural Resources  
Honolulu, Hawaii

**REQUEST FOR APPROVAL TO APPOINT BIN C. LI AND IAN C. HIROKAWA  
AS HEARINGS OFFICERS FOR THE CIVIL RESOURCE VIOLATIONS SYSTEM  
FOR A TERM OF TWO YEARS AND TO DELEGATE TO THE CHAIRPERSON  
THE AUTHORITY TO EXTEND THEIR APPOINTMENTS  
FOR ADDITIONAL TWO-YEAR TERMS**

**I. ACTION REQUESTED:**

The Department of Land and Natural Resources (hereinafter the “Department” or DLNR), Office of the Chairperson, hereby submits a request for the approval by the Board of Land and Natural Resources (hereinafter the “Board”) to appoint Mr. Bin C. Li and Mr. Ian C. Hirokawa as Administrative Hearings Officers for the Civil Resource Violations System (CRVS) of the Department for a term of two years, effective from March 13, 2015 through March 12, 2017, pursuant to §13-1-57, Hawaii Administrative Rules (HAR).

**II. BACKGROUND AND DISCUSSION:**

To implement Chapter 199D, Hawaii Revised Statutes – the law authorizing and governing the CRVS, the Board adopted Chapter 13-1, Subchapter 7, HAR, related to procedures of the CRVS in February 2009 and further adopted a partial CRVS Administrative Sanctions Schedule in March 2009. This schedule was amended three times in the following years to now include civil enforcement activities by the Division of Aquatic Resources, the Division of Boating and Ocean Recreation, the Engineering Division and the Office of Conservation and Coastal Lands.

With the administrative rules and the penalty schedule, the Department has utilized the CRVS to initiate civil enforcement actions against certain resource violation cases such as monthly fishing catch report delinquencies, bottom fishing trip report delinquencies, and violations in the conservation district.

The CRVS rules allow a cited violator to request either mitigation of the assessed penalties or a contested case hearing. For the purpose of adjudicating the mitigation and contested cases in the CRVS process, the Board on July 22, 2009 appointed Mr. Thomas P. Rack and Mr. Bin C. Li as the Department's CRVS Hearings Officers for a two-year term and delegated the authority to the Chairperson to reappoint them upon the end of their terms.

Mr. Li has since served as the CRVS Hearings Officer in the past four and a half years and routinely adjudicated the system's mitigation and contested cases.

Mr. Rack was then a hearings officer of the Hawaii State Department of Health (DOH) and served DLNR's needs only as a substitute hearings officer. He served that role with DLNR and heard several CRVS cases before he left state employment one year later. Since then, there has been no substitute hearings officer for the CRVS.

As the CRVS continues to deploy in the coming months and years and other divisions phase into the system, the Department projects that there will be a number of mitigation and contested cases and the need to appoint another substitute CRVS hearings officer for the timely processing of those cases. The substitute hearings officer will also fill the void if Mr. Li is on leave for personal reasons or conflict excuses.

To respond to this need, the Department proposes to reappoint Mr. Li and appoint Mr. Hirokawa as CRVS hearings officers.

Appointment of a CRVS hearings officer must be conducted by the Board at its meeting. The relevant CRVS rule, §13-1-57, HAR, provides that

“Administrative hearing officers serving under this subchapter shall be nominated by the chairperson and appointed by the board at its meetings for a term of up to two years and may be removed with or without cause in the same manner or by expiration of appointment.”

The Department also requests that the Chairperson be given the authority to extend the appointment(s) of Mr. Li and/or Mr. Hirokawa at the end of their two-year terms for additional consecutive two-year terms without further approval by the Board, pursuant to §171-6(8), Hawaii Revised Statutes.

### III. CANDIDATES FOR APPOINTMENT:

#### A. Mr. Bin C. Li

Mr. Li is a graduate of the University of Hawaii William S. Richardson School of Law, and an attorney at law licensed by the Hawaii State Supreme Court. He has been employed by the Department as its Administrative Proceedings Coordinator since May 2007. On this post, he has been responsible for the formation and operation of the CRVS, as well as the conduct of the Department's other administrative and rulemaking proceedings. Before joining the Department, he had over four years of experience in civil litigation and administrative proceedings. He also serves as an Arbitrator under the Court Annexed Arbitration Program, appointed by the Hawaii State Supreme Court in 2004.

#### B. Mr. Ian C. Hirokawa

Mr. Hirokawa is the Special Projects Coordinator for the Department's Land Division since 2013. His work involves a wide range of issues regarding the management of public lands, including submerged lands, acquisitions, dispositions, development, real property appraisal and legislative matters. He originally joined the Department as a Project Development Specialist in June 2007, working on land acquisitions funded by the Legacy Land Conservation Program. Prior to that he was employed by the Department of the Attorney General, Commerce and Economic Development Division. He is a graduate of the University of Iowa College of Law.

IV. RECOMMENDATION:

“That the Board of Land and Natural Resources

1. Reappoint Mr. Bin C. Li as Administrative Hearings Officer for the Civil Resource Violations System of the Department for a term of two years, effective from March 13, 2015 through March 12, 2017;
2. Appoint Mr. Ian C. Hirokawa as Administrative Hearings Officer for the Civil Resource Violations System of the Department for a term of two years, effective from March 13, 2015 through March 12, 2017; and
3. Delegate to the Chairperson the authority to extend the appointment(s) of Mr. Li and/or Mr. Hirokawa at the end of their initial two-year terms for additional consecutive two-year terms.”

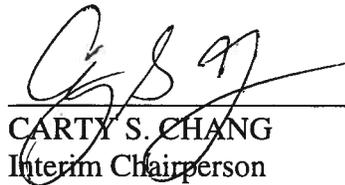
Respectfully submitted,



BIN C. LI

Administrative Proceedings Coordinator

APPROVED FOR SUBMITTAL:



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CARTY S. CHANG  
Interim Chairperson

Board of Land and Natural Resources